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SIPDIS

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SUBJECT: KAZAKHSTAN: OSCE ROUNDTABLE ON IMPLEMENTING THE ICCPR

REF: 05 ALMATY 3449

1. (U) Summary: On February 13 the local NGO "Charter for Human Rights NGO" and the OSCE Center in Almaty hosted a roundtable discussion on the implementation of the International Covenant on Civil and Political Rights (ICCPR), ratified by Kazakhstan on November 28, 2005. The roundtable included Kazakhstani officials as well as international human rights observers, NGOs, and local media. While observers raised several specific areas in which Kazakhstani law would have to be reconciled with ICCPR provisions, GOK officials did not discuss plans for implementation, instead focusing on the symbolic importance of ratification. End summary.

BACKGROUND

2. (SBU) Kazakhstan signed the ICCPR on December 2, 2003, though it was not ratified by the Parliament until November 2005. The ratification took place without reservations. This was significant, as the Procuracy was pressing for reservations regarding the parts of the ICCPR that would restrict its powers, most notably warrant powers. (Comment: The Procuracy is notoriously resistant to infringement on its powers and the fact that it lost this battle suggests high-level involvement from the Presidential Administration in pushing the ICCPR forward. End comment.)

GOK: ICCPR Ratified, What Next?

3. (SBU) GOK officials opened the roundtable with comments highlighting ICCPR ratification as a big achievement and the need to draft a national action plan for ICCPR implementation. Ombudsman Bolat Baykadamov noted that it was not yet decided which ministry or agency would take the lead on implementation. In response, Berik Imashev, Deputy Head of the Presidential Administration and host of the roundtable, suggested that the Ministry of Justice would be best suited for drafting an action plan, but the Presidential Administration Council on Legal Policy would assume a coordinating role. (Comment: Elvira Azimova, head of the MOJ office for drafting national legislation in compliance with international conventions, indicated privately months ago that she would likely be working on ICCPR implementation. End comment.)

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Reconciling Existing Legislation with the ICCPR
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4. (U) Kazakhstan International Bureau of Human Rights (KIBHR) chief Yevgeniy Zhovtis raised several legal inconsistencies between the ICCPR and current Kazakhstani legislation. He noted there was no mechanism currently in place to implement the convention. Certain rights guaranteed under the ICCPR had been violated consistently post-ratification, including the right to assemble peacefully during the 2005 presidential campaign. Zhovtis recommended that Kazakhstan ratify the two Facultative Protocols attached to the International Convention on Civil and Political Rights that provide interpretation of the convention norms, to prevent deviations from international standards. He also recommended that Kazakhstan adhere to the European Convention on Human Rights.

5. (U) Irina Nurumova, an OSCE/ODIHR expert, noted that Article 20 of the Law on International Treaties of Kazakhstan contradicted both the Vienna Convention on the Law of Treaties, signed by Kazakhstan in 1994, and Article 4 of the Kazakhstani constitution, which stipulates that "International treaties ratified by Kazakhstan shall have priority over its laws." (Note: The Mazhilis voted on January 25 to approve amendments eliminating the discrepancy created by the International Law on Treaties. Contacts in the MOJ told us months ago that they were working with Parliament to correct the problem. The amendments currently with the Senate are expected to be passed to Nazarbayev for signature within a few weeks. End note.)

ORDWAY